

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RASHANN RICHARDSON,

Petitioner,

v.

JASON BUNTING, WARDEN,

Respondent.

CASE NO. 2:14-CV-1691

JUDGE EDMUND A. SARGUS, JR.
MAGISTRATE JUDGE ABEL

OPINION AND ORDER


On November 10, 2014, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be dismissed as without merit and as barred by the one-year statute of limitations under 28 U.S.C. § 2244(d). ECF 5. Petitioner has filed an *Objection* to the Magistrate Judge's *Report and Recommendation*. ECF 7. Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons that follow, Petitioner's *Objection*, ECF 7, is **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner objects to the Magistrate Judge's recommendation of dismissal of his habeas corpus petition. He asserts that, aside from his written guilty plea agreement, the record is devoid of any evidence that he entered a guilty plea. Petitioner argues that due to the lack of any final adjudication of guilt, his conviction is a nullity and void and he thereby lacked legal recourse to pursue his claims. Thus, Petitioner contends, he timely filed this habeas corpus petition.

This Court is not persuaded by Petitioner's argument. The case plainly is time-barred. Petitioner waited some nine years after sentencing before he filed any state court action pursuing

his claims, and the record fails to show that any extraordinary circumstance prevented his timely filing. Despite his argument to the contrary, Petitioner did not lack legal recourse by which to pursue his claims, since he did so approximately nine years after the judgment of guilt. For these reasons, and for the reasons discussed in the Magistrate Judge's *Report and Recommendation*, Petitioner's *Objection*, ECF 7, is **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

 12-2-2014

EDMUND A. SARGUS, JR.
United States District Judge